

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

**NOTICE PURSUANT TO
FRCP 12.3(a)**

-against-

Indictment No. 07 Crim. 732

OSCAR LEMUS,

Defendant.

=====X

Comes now CHRISTOPHER RILEY, ESQ., attorney for defendant herein and gives notice pursuant to FRCP 12.3(a) that defendant will rely on the defense he was acting on behalf of the Department of Homeland Security through its agents Kevin Laird and Dan McWilliam and such other servants, employees and agents of the aforementioned Department of Homeland Security including but not limited to the individual referred to as the confidential source and the indictment herein at the County of Rockland, State of New York and the County of Queens, the State of New York and all points in between on or about the 11th day of February, 2007 and the 3rd day of March, 2007 and that any and all actions alleged to have been committed by defendant were done pursuant to that authority, the behest and request of and at the direction of the aforementioned individuals, directly and/or indirectly.

Dated: White Plains, New York
October 2, 2007

Yours, etc.

CHRISTOPHER RILEY (CR-0975)
Attorney for Defendant Oscar Lemus
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